

Message Text

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ACTION AF-18

INFO OCT-01 EUR-25 ISO-00 SSO-00 CCO-00 INRE-00 USIE-00

USSS-00 NSCE-00 CIAE-00 DODE-00 PM-07 H-03 INR-10

L-03 NSAE-00 NSC-10 PA-04 RSC-01 PRS-01 SPC-03 SS-20

ACDA-19 IO-14 NEA-10 A-01 EB-11 SCA-01 SY-10 DRC-01

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O R 181925Z OCT 73

FM AMEMBASSY KHARTOUM

TO SECSTATE WASHDC IMMEDIATE 7252

INFO AMEMBASSY BRUSSELS

C O N F I D E N T I A L KHARTOUM 2308

E.O. 11652: GDS

TAGS: PINS, SU

SUBJ: TWO ACCESSORIES KHARTOUM MURDERS LEAVE JAIL

REF: KHARTOUM 2307

1. SUMMARY. SUDANESE MAGISTRATE HAS "RELEASED" TWO ACCESSORIES KHARTOUM MURDERS ON GROUND INSUFFICIENT EVIDENCE LINKING THEM TO MURDERS THEMSELVES. CONFIRMING FOREGOING TO ME, ACTING FONMIN PROMISED FURNISH LEGAL BASIS ON WHICH MAGISTRATE ACTED AND HAS AGAIN REAFFIRMED THAT EIGHT TERRORISTS DIRECTLY IMPLICATED IN MURDERS WILL BE BROUGHT TO TRIAL. END SUMMARY.

2. SAW ACTING FONMIN AND MININFO UMAR AL-HAJ MUSA 1930 LOCAL OCT 18, A FEW MINUTES AFTER BBC CARRIED REPORT RELEASE TWO PALESTINIAN ACCESSORIES TO KHARTOUM MURDERS. MUSA CONFIRMED THAT MAGISTRATE HAD RELEASED BOTH MEN (KARAM AND HUSSEIN) ON BASIS "INSUFFICIENT EVIDENCE". HOWEVER, THEY BEING REQUIRED REMAIN IN COUNTRY SERVE AS WITNESSES FOR TRIAL EIGHT BSO MURDERERS WHO REMAIN IN CUSTODY. MUSA
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CLAIMED DRIVER HAD NOT BEEN DIRECTLY INVOLVED AND RADIO

OPERATOR HAD HANDLED ONLY ONE MESSAGE THAT SUMMONED FORMER HESR FATAH OFFICE HERE TO LIBYA. NEITHER COULD ACCORDINGLY BE TRIED FOR MURDER. IN FACT, MAGISTRATE WOULD HAVE RELEASED BOTH MEN IN COURSE MAGISTERIAL INQUIRY LAST MONTH HAD INQUIRY NOT BEEN ADJOURNED SO PROMPTLY.

3. TOLD MUSA I EXPECTED THIS ACTION WOULD BE VIEWED CRITICALLY IN WASHINGTON AND BY AMERICAN PUBLIC OPINION. IT SEEMED CLEAR INDIVIDUALS IN QUESTION WERE ACCESSORIES BEFORE FACT WHO SHOULD CERTAINLY BE PUNISHED. I ASKED WHETHER TWO MEN HAD BEEN DISCHARGED FROM CUSTODY OR SIMPLY RELEASED ON BAIL. MUSA PROFESSED IGNORANCE AND SAID HE WOULD FURNISH ME LEGAL DETAILS RE MAGISTRATE'S ACTION. AGREEING THIS WOULD BE USEFUL, I NEVERTHELESS NOTED TO ACTING FONMIN IT MIGHT HAVE BEEN HELPFUL FOR US HAVE SOME ADVANCE WORD REGARDING THIS UNLOOKED FOR ACTION. MUSA REPLIED LAMELY THAT HE HAD THOUGH EMBASSY FOLLOWING CASE CLOSELY. I CONFIRMED WE WERE BUT NOTED THERE HAD BEEN NO INDICATION ANY DEVELOPMENT IN CASE SINCE ADJOURNMENT INQUIRY LAST MONTH.

4. MUSA THEN REITERATED THAT REMAINING EOGHT BSO TERRORISTS WILL BE TRIED. HE SAID GOS HAS RESPONDED TO "INQUIRIES"

FROM ABROAD" THAT THE EXECUTIVE HERE HAS NO REPEAT NO PTWEGM INTERFERE WITH JUDICIAL PROCESS. TERRORISTS HAVE BEEN CHARGED WITH MURDER. THEY WILL BE TRIED AND SOME SENTENCE HANDED DOWN. ONLY AT THAT STAGE, I.E., AFTER SENTENCING, COULD EXECUTIVE HERE ACT TO REDUCE SENTENCE FOR THE CLEMENCY ACTION. MUSA INDICATED GOS HAS BEEN SPREABOJG THIS WORD AMONG PALESTINIANS ABROAD IN EFFORT DISCOURAGE ANY POSSIBLE HIGHJACKING SUDANESE AIRCRAFT OR THREAT TO GOS PERSONNEL OUTSIDE COUNTRY.

5. COMMENT: UNFORTUNATELY, IMPLICATION MUSA'S LATTER REMARK IS THAT GOS MAY BE VULNERABLE SOME BLACKMAIL-TYPE ACTION AFTER EIGHT HAVE BEEN SENTENCED, SINCE PRESIDENT NIMEIRI THEN COULD LEGALLY EXERCISE CLEMENCY ROLE. MEANWHILE, THOUGH MUSA'S PRESENTATION HAS HARDLY REMOVED ALL SUSPICION

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THAT ACTION TAKEN WAS IN SOME WAY RESPONSIVE PALESTINIAN PRESSURE (REFTEL), IT IS TRUE NEITHER DRIVE NOR RADIO OPERATOR WERE DIRECTLY INVOLVED ACTIONS INSIDE SAUDI EMBASSY. IF ASKED RE BBC REPORT, WE ACCORDINGLY SUGGEST DEPT MAY WISH TAKE LINE THAT TWO ACCESSORIES WHO HAVE BEEN RELEASED FROM JAIL ARE NOT REPEAT NOT DIRECTLY IMPLICATED IN MURDERS; THAT THE EIGHT TERRORISTS WHO WERE REMAIN IN CUSTODY; AND THAT, ALTHOUGH RELEASED FROM JAIL, THE TWO ACCESSORIES ARE BEING REQUIRED

REMAIN IN COUNTRY IN CONNECTION FURTHER STEPS IN SUDANESE
JUDICIAL PROCESS EXPECTED NEXT MONTH.
BREWER

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